IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 3580 of 1995

Between:

Dr.N.Prabhakar Naidu, sonof N.Manjunadappa,

52 yrs, Medical Practitioner, resident of Pedda

Avani Road, Kavali, Nellore district.

..... PETITIONER

AND

1.The Divisional Engineer, APSEB,

Kavali, Nellore District.

2.The Assistant Divisional Enginer,

APSEB, Kavali, Nellore District.

3.The Assistant Engineer, APSEB,

Kavali, Nellore District.

4.The Assistant Accounts Officer,

APSEB, Kavali, Nellore District.

--.RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to call for the records relating to the impugned proceedings passed by the 4th respondent herein in his LR.No. AAO/ERO/KVN/G.BS III/D.No.226/95, dated 16-2-1995, by issuing a Writ order or direction more particularly one in the nature of Writ of Certiorari and quash the same.

Counsel for the Petitioner: MR.Y.RAMA RAO

Counsel for the Respondents.: SMT.M.VINOBHA DEVI, STANDING COUNSEL FOR APSEB

The Court made the following :

ORDER

The petitioner, who is a Doctor running a Nursing home files this Writ Petition *inter alia* seeking a Writ of Mandamus challenging the demand made by the respondents herein on
16-2-1995 for a sum of Rs.81,781-60 paise on the ground of theft of energy and direct tapping.

The main grievance of the petitioner is that except issuing a demand, he was not given any prior notice or opportunity and therefore, the impugned action is totally vitiated under the Principles of Natural Justice.

The learned Standing Counsel appearing on behalf of the respondents submits that the petitioner in fact has filed a Writ Petition earlier and also a suit and consumer dispute and therefore, the very Writ Petition is not maintainable.

Having heard the learned counsel and also by taking note of the fact that the petitioner has already approached the Consumer Forum and also filed a Civil Suit, it is not necessary to go into the merits of the claim of either side. It would suffice, in the interest of justice, to permit the petitioner to raise all the objections in the earlier Writ Petition and the same can be considered in exercise of extraordinary jurisdiction of this Court under Article 226 of the

Constitution of India.

Accordingly, the Writ Petition is dismissed with a liberty to the petitioner to pursue the other remedy, which he has not already availed. No costs.

25-11-2004.

Hsd

Assistant Registrar

To

1.The Divisional Engineer, APSEB,

Kavali, Nellore District.

2.The Assistant Divisional Enginer,

APSEB, Kavali, Nellore District.

3.The Assistant Engineer, APSEB,

Kavali, Nellore District.

4.The Assistant Accounts Officer,

APSEB, Kavali, Nellore District.

5. 2 C.D. copies.